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9                   UNITED STATES DISTRICT COURT  
10                   WESTERN DISTRICT OF WASHINGTON  
11                   AT TACOMA

12 VINCENT DANIEL HOPPER, a/k/a  
13 ANTOLIN ANDREW MARKS,

14                   Plaintiff,

15                   v.

16 G. WIGEN, *et al.*,

17                   Defendants.

Case No. C05-5662 FDB/KLS

ORDER VACATING ORDER  
DENYING MOTION TO REOPEN  
CASE

18                   This civil rights action has been referred to United States Magistrate Judge Karen L.  
19 Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. By Order dated May  
20 14, 2007, the undersigned denied Plaintiff's motion to reopen case (Dkt. # 42) on the grounds that  
21 there is no action pending before the Court and, therefore, if Plaintiff seeks injunctive relief against  
22 Defendants, he must pursue it in a separate civil action. (Dkt. # 43). On June 9, 2006, this matter  
23 was dismissed without prejudice, pursuant to Fed. R. Civ. P. Rule 41(a)(1). (Dkt. # 33). The  
24 dismissal was based on Plaintiff's notification to the Court that he no longer wished to pursue this  
25 action because the conduct on which he based his complaint had ceased and he had suffered no  
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28 ORDER - 1

compensable injury. (Dkt. 21). Judgment in favor of Defendants was entered on June 9, 2006 (Dkt. # 34) and the case was administratively closed on June 19, 2006.

The Court now vacates its Order (Dkt. # 43) and shall re-note it as a Report and Recommendation for consideration by the District Court. Plaintiff's motion for an order to show cause directed to Defendant Melendez (Dkt. # 44) shall also be recommended for dismissal.

**ACCORDINGLY, IT IS ORDERED:**

The Court's Order denying Plaintiff's motion to reopen (Dkt. # 43) is **VACATED**. The Court's Order will be re-noted as a Report and Recommendation. The Clerk is directed to send copies of this Order to Plaintiff and to counsel for Defendants.

DATED this 18th day of June, 2007.

  
Karen L. Strombom  
United States Magistrate Judge

ORDER - 2